

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A recording and playback apparatus for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback apparatus comprising:

a judgment mechanism to determine whether or not to correct focus precision when recording data onto an Nth track of said recording medium or playing back data from said Nth track;

a computing mechanism to compute a performance function value on a jitter value or amplitude of an RF signal obtained from an already recorded track ~~in the neighborhood of~~ different than said Nth track; and

a correction mechanism to correct said focus precision if said judgment mechanism determines to correct said focus precision in said recording data onto said Nth track of said recording medium or playing back data from said Nth track, said correction mechanism operating to correct said focus precision by using said performance function value.

Claim 2 (Previously Presented): A recording and playback apparatus according to claim 1 wherein said judgment mechanism forms a judgment to correct said focus precision if a predetermined period of time is determined to have lapsed.

Claim 3 (Previously Presented): A recording and playback apparatus according to claim 1 wherein said judgment mechanism forms a judgment to correct said focus precision if a temperature inside a disk drive setting said recording medium is determined to have increased by a predetermined temperature raise.

Claim 4 (Previously Presented): A recording and playback apparatus according to claim 1 wherein said correction mechanism corrects said focus precision by using a signal played back from an (N-1)th track immediately preceding said Nth track.

Claim 5 (Previously Presented)): A recording and playback apparatus according to claim 1 wherein said correction mechanism corrects said focus precision by determining a focus-bias value f_d that provides the absolute value of a difference within a threshold value k where said difference is a difference in amplitude or a difference in jitters value between a signal obtained at a focus bias of $(f_d + a)$ and a signal obtained at a focus bias of $(f_d - a)$, and notation a denotes a change quantity.

Claim 6 (Currently Amended): A recording and playback method for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback method comprising:

determining whether or not to correct focus precision when recording data onto an Nth track of said recording medium or playing back data from said Nth track;

computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track ~~in the neighborhood of~~ different than said Nth track; and

correcting said focus precision if it is determined to correct said focus precision in recording data onto said Nth track of said recording medium or playing back data from said Nth track, said correcting operating to correct said focus precision by using said performance function value.

Claim 7 (Currently Amended): A computer readable medium storing computer program instructions which when executed by a computer that records data onto a predetermined recording medium and plays back said data from said recording medium and is programmed with the instructions causes the computer to perform the following steps:

a judgment step of determining whether or not to correct focus precision when recording data onto an Nth track of said recording medium or playing back data, from said Nth track;

a computing step for computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track ~~in the neighborhood of~~ different than said Nth track; and

a correction step for correcting said focus precision if it is determined in said judgment step to correct said focus precision in recording data onto said Nth track of said recording medium or playing back data from said Nth track, said correction step operating to correct said focus precision by using said performance function value.

Claim 8 (Previously Presented): A recording and playback apparatus according to claim 1 wherein a performance function curve includes shapes that vary in dependence on said recording medium.

Claim 9 (Previously Presented): A recording and playback apparatus according to claim 1 wherein a performance function curve includes shapes that vary in dependence on temperature of said recording medium.

Claims 10-12 (Canceled).